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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/047,865	01/15/2002	Reuel S. Orocio		5116

7590 11/24/2003
Jack C. Munro, Agent of Record
Suite 225
28720 Roadside Drive
Agoura Hills, CA 91301

EXAMINER

EDGAR, RICHARD A

ART UNIT PAPER NUMBER

3745

DATE MAILED: 11/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

10/047,865

Applicant(s)

OROCIO ET AL.

Examiner

Richard Edgar

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on an amendment filed 03 November 2003.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 15 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. §§ 119 and 120

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 13) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application) since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.
a) ☐ The translation of the foreign language provisional application has been received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121 since a specific reference was included in the first sentence of the specification or in an Application Data Sheet. 37 CFR 1.78.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

Response to Arguments

Claims 3-6 have been canceled. Claims 1 and 2 are pending.

Applicant's arguments, see pages 4-5, filed 03 November 2003, with respect to the 35 U.S.C. § 102(b) rejections (Nagai et al.) have been fully considered and are persuasive. The rejection of claims 1 and 2 has been withdrawn.

Declaration

The Declaration filed on 03 November 2003 under 37 CFR 1.131 has been considered but is ineffective to overcome the Chapman reference (US 2002/0106277 A1). Applicants' Declaration states to have conceived of an invention prior to 04 December 2001. However, Chapman (US 2002/0106277 A1) claims priority to a provisional application filed on 04 December 2000. Therefore the evidence submitted by Applicants dated 31 October 2001 is more than 10 months after the effective filing date of United States Patent Application Publication US 2002/0106277 A1 (Chapman). See MPEP § 2136.03(III).

Applicants' are reminded that a proper Declaration filed under 37 C.F.R. § 1.131(b) must show conception of the invention prior to the effective date of the reference, together with due diligence from prior said effective date to the filing of the application.

Claim Rejections - 35 USC § 103

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over United States Patent Application Publication No. 2002/0106277 A1 (*Chapman* hereinafter) in view of United States Patent no. 5,927,947 issued to Botros.

Chapman discloses a pump impeller which is manufactured in a single molding operation comprising:

a series of vanes 12 having an outer end which is integrally mounted on a shroud 13, said shroud 13 having a centrally located annular inlet ring 17 which provides an inlet to an eye of said impeller, said annular inlet ring 17 protruding outwardly in a first direction from said shroud 13; and

a hub 11 integrally connected to an inner end of said vanes 12, said hub 11 having an integral sleeve connected thereto (see Figures 6-9), said sleeve protruding outwardly from said shroud in a second direction, said sleeve having an axis of rotation, said inlet ring having a longitudinal center axis, said axis of rotation being aligned with said longitudinal center axis, whereby rotation of said impeller produces essentially no vibration with said impeller rotating smoothly, efficiently and substantially noise-free.

Chapman does not show said second direction being opposite said first direction.

Botros discloses a one-piece molded impeller comprising a drive sleeve which fits onto a shaft 34 of motor 32. The impeller also comprises an inlet ring 16 shrouding the blades 14, wherein the drive sleeve and inlet ring extend in opposite directions, thereby recessing the drive sleeve within the hub 18 for the purpose of providing the hub 18 with a smooth flow surface.

Since Chapman teaches a one-piece impeller and Botros teaches to improve flow characteristics of a one-piece impeller by extending the drive sleeve so that it is recessed within the hub, it would have been obvious at the time the invention was made to a person having ordinary skill in the art to modify the drive sleeve extension of Chapman to extend within the hub as taught by Botros for the purpose of providing the impeller hub with a smooth flow surface.

Conclusion

Applicant's amendment necessitated the new ground(s) of rejection presented in this Office action. Accordingly, **THIS ACTION IS MADE FINAL**. See MPEP § 706.07(a). Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the

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shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the date of this final action.

Contact Information

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Richard Edgar whose telephone number is (703) 305-0050. The examiner can normally be reached on Monday-Thursday and alternate Fridays 6:30-4:00.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Edward Look can be reached on (703) 308-1044. The fax phone number for the organization where this application or proceeding is assigned is (703) 872-9302.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-0861.



Richard Edgar
Examiner
Art Unit 3745

RE



EDWARD K. LOOK
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3700

11/22/03